

REMARKS**I. General**

Claims 1-79 are pending in the present application. Claims 1-79 stand rejected under 35 U.S.C. §§ 102 and 112. The drawings stand objected to. Applicant respectfully traverses the rejections and objections of record.

Claims 1 and 10 have been amended to correct informalities discovered during the preparation of the present amendment. Specifically, claim 1 has been amended to correct an antecedent basis informality with respect to the introduction and recitation of the first call application. Claim 10 has been amended to depend from claim 8, rather than claim 5, in order for there to be proper antecedent basis for the signaling independent link recited therein. The foregoing amendments do not alter the scope of the claims and do not introduce new matter.

II. The Drawing Objections

The drawing stands objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Examiner states that the Internet, the Internet link, call information interface, application independent link, signaling independent link and communication server, enhanced server, and port for segment controller should be shown in the drawing. Moreover, the Examiner states that "it appears that applicant needs more flow diagrams for the particular methods applicant is claiming," Office Action at page 2. Applicant traverses the foregoing objections to the drawing.

With respect to the Internet, Internet link, application independent link, and signaling independent link the Examiner asserts are absent from the drawing, Applicant directs the Examiner's attention to paragraph 0022 of the specification wherein the foregoing are discussed with reference to Figure 1B. Therein it is taught that:

Preferably, call segment controller 121 is coupled to the communications server [122] using an application independent or a signaling independent link. Such a link is most preferably provided by a packet data interface, such as an Ethernet interface. Of course, call segment controller 121 may be coupled to the communications server through any number of

means, including but not limited to a wide area network (WAN), a metropolitan area network (MAN), the Internet, a proprietary interface, or the like.

Accordingly, it is clear that the line shown connecting call segment controller 121 and communications server 122 is representative of an application independent or a signaling independent link according to embodiments of the invention. Moreover, this link may be provided by various means including the Internet. Therefore, Applicant respectfully asserts that Figure 1B of the drawing properly illustrates the Internet, an Internet link, an application independent link, and a signaling independent link.

With respect to the call information interface the Examiner asserts is absent from the drawing, Applicant directs the Examiner's attention to paragraphs 0024, 0031, and 0032 of the specification. It is taught at paragraph 0031 that ANI, DNIS, or other call information is provided from switch 103 to service node platform through link AB according to embodiments of the invention. At paragraph 0032 it is further taught that the call information is provided to call segment controller 121 to determine how the call is to be handled. Paragraph 0024 teaches that communication server 122 provides protocol conversion from PSTN protocols, such as provided by switch 103, to a protocol of the link between communications server 122 and call segment controller 121. Reading the foregoing together, it is clear that a portion of call segment controller 121 coupling call segment controller 121 with communications server 122 provides a call information interface. Such an interface is clearly present in Figure 1B where the link between call segment controller 121 and communications server 122 meets call segment controller 121. Accordingly, Applicant respectfully asserts that the drawing properly illustrates a call information interface.

A communication server, objected to by the Examiner as not present in the drawing, is clearly shown in Figure 1B as SS7 server 122. Paragraph 0023 of the specification expressly states that "applications 110-112 may be coupled to a communication server, such as SS7 server 122 . . ." Accordingly, Applicant respectfully asserts that the drawing properly illustrates a communication server.

With respect to the enhanced server the Examiner asserts is absent from the drawing, Applicant asserts that there is no enhanced server set forth in the claims. As such, objection to the drawing under 37 C.F.R. § 1.83(a) as not showing this feature is improper.

If, however, the Examiner intended to assert that the enhanced calling services set forth in several of the claims is not shown in the drawing, Applicant respectfully asserts that such enhanced calling services need not be illustrated. Initially Applicant points out that the M.P.E.P. provides that “[a]ny structural detail that is of sufficient importance to be described should be shown in the drawing,” § 608.02(d) (emphasis added). The foregoing enhanced calling services are services which are provided through operation of various embodiments of the invention, see e.g., paragraph 0019. Accordingly, Applicant respectfully asserts that objection to the drawing under 37 C.F.R. § 1.83(a) as not showing such resulting services is improper. If, however, the Examiner disagrees with Applicant and maintains the objection to the drawing, Applicant respectfully solicits the Examiner’s guidance with respect how one might go about illustrating such a service.

The Examiner objects to the drawing as not showing a port for segment controller, Office Action at page 2. However, Applicant is unsure which aspect of the claims forms the basis of the Examiner’s objection as no “port for segment controller” is recited therein. Applicant presumes that the Examiner is referring to the claim language reciting “a port associated with said call segment controller,” and thus will address the objection with respect to such claim language. Directing attention to Figure 1A, port A of switch 103 is associated with the call segment controller. At paragraph 0017 of the specification, it is taught that although port A is looped back to port C, link AB provides call information to service node platform 120 and thus call segment controller 121, for controlling the call. The foregoing clearly establishes port A as a port associated with the call segment controller according to embodiments of the invention. Accordingly, Applicant respectfully asserts that the drawing properly illustrates a port associated with the call segment controller.

The objection to the drawing includes an assertion by the Examiner that more flow diagrams are needed for the particular methods claimed, Office Action at page 2. Applicant points out, however, that figures representing a method are generally not required under the drawing requirement of 35 U.S.C. § 113, see e.g., M.P.E.P. § 608.02 III. Accordingly, Applicant is unable to determine a basis for the Examiner suggesting that more flow diagrams are needed. Moreover, Applicant believes that, although no flow diagrams are necessary to understand the invention as claimed, the flow diagram of Figure 2 is more than sufficient to aid one of ordinary skill in the art in understanding the claimed invention. Therefore,

Applicant asserts that no further flow diagrams need be presented with respect to the present application. If, however, the Examiner disagrees with Applicant and maintains the objection to the drawing, Applicant respectfully solicits the Examiner's guidance with respect to precisely which method claims require further flow diagrams in order for one of ordinary skill in the art to understand the invention set forth therein.

III. The 35 U.S.C. § 112 Rejections

Claims 1-79 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner questions whether the call applications and the enhanced services are the same, Office Action at page 3. Applicant respectfully asserts that recitation of both "call applications" and "enhanced services" are definite in the pending claims.

To aid the Examiner in understanding a distinction between "call applications" and "enhanced services" attention is directed to the specification at paragraph 0019 wherein call applications are discussed with respect to their use in providing enhanced calling services. Call applications are thusly structure which may be utilized in providing a desired function, such as one or more enhanced calling services. Although perhaps closely related according to embodiments of the invention, call applications are not the same as enhanced services. That is, although an enhanced service may be provided through operation of a call application, a call application is not itself the enhanced service provided thereby.

Accordingly, Applicant asserts that the identified claim language is not indefinite as asserted by the Examiner in the 35 U.S.C. § 112 rejection of record. Moreover, Applicant respectfully asserts that it is improper to read enhanced services and call applications as being the same, as has the Examiner, see Office Action at page 3.

IV. The 35 U.S.C. § 102 Rejections

Claims 1-79 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shah et al., United States patent number 6,175,618 (hereinafter *Shah*). To anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with

respect to a claim, “[t]he elements must be arranged as required by the claim,” see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Applicant respectfully asserts that the applied reference does not meet the foregoing requirements for a proper 35 U.S.C. § 102 rejection.

As a preliminary matter, Applicant respectfully points out that the rejections of record do not comport with Office policy. According to M.P.E.P. § 707.07(d), “[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.” Here, the Examiner grouped claims 23-79 in a common rejection even though these claims recite different limitations, Office Action at page 5. Similarly, the Examiner has also improperly grouped together claims 5, 6, and 8-10. As a result, several pending claims recite distinct limitations that remain unaddressed by the rejections of record.

A. The Independent Claims

Claim 1, the only independent claim the limitations of which are specifically addressed in the rejection of record, recites a call segment controller. The rejection of record does not expressly identify the structure of *Shah* relied upon as a call segment controller. However, based upon the statements made with respect to the various claim limitations, it appears that the Examiner is reading the intelligent service peripheral (ISP) of *Shah* as the call segment controller. The following arguments will be addressed accordingly.

Claim 1 recites “an application interface for exchanging call information with a first call application” In asserting that *Shah* teaches an application interface, the rejection of record relies upon disclosure of *Shah* teaching that “the ISP 10 could use voice prompts to receive a PIN (personal identification number) from the calling party,” column 2, lines 55-58. The foregoing passage of *Shah* neither teaches nor suggests the recited application interface. In contrast to utilizing an application interface, the identified portion of *Shah* teaches ISP 10 itself as using voice prompts to receive a PIN. Moreover, there is nothing in the identified disclosure to teach or suggest ISP 10 exchanging call information with a first call application.

The foregoing distinctions become even more apparent when additional claim language is considered. For example, claim 1 further recites “said application interface

provides call information associated with said call to said first call application upon directing said call to said first application” There is nothing in *Shah* showing that ISP 10 directs the call to a first application and provides call information associated with the call to this first application upon directing the call thereto. Accordingly, *Shah* neither shows elements arranged as required by the claim nor teaches all the recited claim limitations. Applicant, therefore, asserts that the disclosure of *Shah* is insufficient to anticipate the claim under 35 U.S.C. § 102.

In rejecting independent claims 23 and 61, the limitations therein are asserted by the Examiner to be found from the discussion of claims 1-22, Office Action at page 5. However, Applicant points out that these claims recite limitations not present in claims 1-22, and thus the rejections of record fail to address express limitations of the claims.

For example, claim 23 recites “said call interface provides a bi-directional signaling link with respect to said call without a voice link with respect to said call” This limitation is not addressed in the rejections of record. Moreover, Figure 2 of *Shah* clearly shows a voice link between originating switch 12 and ISP 10.

Claim 23 further recites “said call segment controller interacts with call applications of said plurality of call applications through use of said call information exchange to control segments of said call.” This limitation is not addressed in the rejections of record. Moreover, in addressing claim 15, reciting a second call application, the rejection of record merely asserts that “such a limitation is inherent,” Office Action at page 5. However, in order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112 (citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original)). The Examiner’s statement that such a limitation is inherent does not reasonably support a conclusion that the claimed plurality of call applications necessarily flows from the disclosure of the applied art. Moreover, the rejection of record does not address the use of a plurality of call applications to control segments of a same call.

Claim 61 recites “monitoring, by said call segment controller, a state of said call with respect to said first application.” This limitation is not addressed in the rejections of record.

Moreover, Applicant is unable to identify any portion of *Shah* which may be interpreted to meet this aspect of the claims.

As shown above, in addition to *Shah* not teaching an application interface for exchanging call information with one or more call applications meeting the limitations of the claims setting forth an application interface, the rejections of record fail to address express limitations of the claims. Accordingly, the 35 U.S.C. § 102 rejections of record are improper.

B. The Dependent Claims

Dependent claims 2-22, 24-60, and 62-79 depend directly or indirectly from a respective one of independent claims 1, 23, and 61. Thus each of these dependent claims includes the limitations of the independent claim from which it depends. Independent claims 1, 23, and 61 have been shown above to recite limitations not met by the rejections of record. Accordingly, the rejections of record are asserted to be improper with respect to dependent claims 2-22, 24-60, and 62-79 at least for the reasons set forth above with respect to claims 1, 23, and 61.

Moreover, the dependent claims are asserted to recite additional new and non-obvious limitations which have not been shown to be present in the applied art. For example, the limitations of claims 5, 6, and 8-10 are merely asserted to be inherent in the rejection of record, Office Action at page 4. However, as discussed above, in order to properly establish a rejection based on inherency, “the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art,” M.P.E.P. § 2112, (citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original)). The Examiner has not provided any evidence that a call information interface and call control information interface of *Shah* must necessarily be comprised of an application independent link or a signaling independent link. Accordingly, the rejection of record does not properly establish that the claim limitations are anticipated under 35 U.S.C. § 102.

V. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the present claims be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 47524/P124US/10108968 from which the undersigned is authorized to draw.

Dated: November 8, 2006

Respectfully submitted,

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